

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:21-CR-29-KAC-DCP
	)	
DESHAWN WHITED,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant's Motion to Continue Trial Date and All Related Deadlines [Doc. 50], filed on January 6, 2022. Defendant asks the Court to continue the February 15, 2022 trial date because pending before the Court is an Objection [Doc. 46] to the undersigned's Report and Recommendation [Doc. 45] regarding Defendant's Motion to Suppress Identification [Doc. 26]. Defendant states that the outcome of the Motion to Suppress Identification directly affects the proof on the Carjacking count he faces, and both Defendant and the Government will need to know whether the alleged victim's identification will be admissible in evidence to adequately prepare for trial. Defendant also notes that there remains a pending Motion to Revoke or Amend Detention Order [Doc. 44]. Additionally, Defendant states his counsel needs more time to prepare for trial and to discuss potential defenses and witnesses with Defendant, who is being detained in Laurel County Detention Center in London, Kentucky which is an hour-and-a-half away from his counsel's office. Finally, defense counsel relates that he has a January 31 deadline for filing a brief in another criminal matter with the Sixth Circuit Court of

Appeals and that the preparation of that brief will be time consuming. The motion relates that the Government does not oppose the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of June 28, 2022.

The Court finds Defendant's Motion to Continue Trial Date and All Related Deadlines [Doc. 50] is unopposed by the Government and well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Based upon the representations in the motion, defense counsel and the Government will need additional time to prepare for trial based upon the outcome of Defendant's Motion to Suppress Identification, and defense counsel needs more time to discuss potential defenses and witnesses with Defendant, who is being detained a considerable distance away from his counsel's office. Thus, the Court concludes that without a continuance, Defendant would not have the reasonable time necessary to prepare for trial, even proceeding with due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The Motion to Continue Trial Date and All Related Deadlines [**Doc. 50**] is **GRANTED**. The trial of this case is reset to **June 28, 2022**. The Court finds that all the time between the filing of the motion on January 6, 2022, and the new trial date of June 28, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & - (7)(A)–(B). The Court also sets a new schedule in this case, which is stated in detail below.

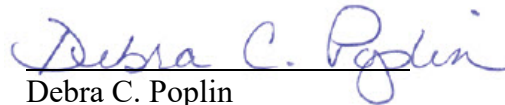
Accordingly, it is **ORDERED** as follows:

- (1) Defendant's Motion to Continue Trial Date and All Related Deadlines [**Doc. 50**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **June 28, 2022, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge;

- (3) All time between the filing of the motion on **January 6, 2022**, and the new trial date of **June 28, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The new deadline for filing a plea agreement in the record and providing reciprocal discovery is **May 27, 2022**;
- (5) The parties are to appear before the undersigned for a final pretrial conference on **June 7, 2022, at 10:30 a.m.**;
- (6) The deadline for filing motions *in limine* is **June 13, 2022**; and
- (7) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **June 17, 2022**.

**IT IS SO ORDERED.**

ENTER:



Debra C. Poplin  
United States Magistrate Judge